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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-206949

DATE: April 12, 1982

MATTER OF: Bobcat of Tidewater, Inc.

DIGEST:

GAO will not consider a protest of an awardee's small business size status, because the Small Business Administration, not GAO, has statutory authority to conclusively determine small business size status for Federal procurements.

Bobcat of Tidewater, Inc. protests the Navy's award of a contract to Hertz Equipment Rental under Navy request for proposals (RFP) No. N00181-82-R-0195. The RFP--to lease the Navy certain loading equipment--was totally set aside for small business concerns. The protester asserts that the offer of Hertz Equipment Rental should not have been considered because Hertz is a large business.

We will not consider the protest. The Small Business Administration (SBA), not this Office, has statutory authority to conclusively determine matters of small business size status for Federal procurements. 15 U.S.C. § 637(b) (Supp. III 1979); Kolley Name Pin Co., Inc., B-204735, September 22, 1981, 81-2 CPD 242. Any size status challenge must be made according to SBA procedures, rather than through a bid protest. Technical Food Services, Inc., B-203742.2, September 15, 1981, 81-2 CPD 219.

In this regard, Defense Acquisition Regulation § 1-703(b)(1) (1976 ed.) sets forth the procedure for filing a size status protest. In order to apply to the procurement in question, such protest must be filed with the contracting officer within five working days after the date for submission of proposals or within five working days after receipt from the contracting officer of notification of the identity of the offeror being protested.

The protest is dismissed.

F. H. Barclay, Jr.
For Harry R. Van Cleve
Acting General Counsel